

Exhibit 22

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 - - - - -
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**

5 **individually and on behalf of a class of**
6 **all others similarly situated,**

7 Plaintiffs,

8 vs.

1 :18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.

11 - - - - -
12 **ORAL EXAMINATION OF DANIELLE MORGERA**

13 **APPEARING REMOTELY FROM**

14 **BUFFALO, NEW YORK**

15
16 Thursday, May 26, 2022

17 9:40 a.m. - 5:31 p.m.

18 pursuant to notice

19
20
21 REPORTED BY:

22 Luanne K. Howe

23 APPEARING REMOTELY FROM CUYAHOGA COUNTY, OHIO

1 Q Okay. So I believe you mentioned earlier that BTVA
2 is under the oversight of the mayor's office; is that
3 right?

4 A That's correct, by state legislation.

5 Q Okay. And what role does the mayor's office have in
6 overseeing the BTVA?

7 MR. SHORT: Form.

8 Q You can answer.

9 A I don't know.

10 Q Okay. So what -- on a day-to-day basis, what role
11 does the mayor's office have with respect to the
12 BTVA?

13 MR. SHORT: Form.

14 A The mayor's office doesn't -- I don't talk to the
15 mayor on a day-to-day basis.

16 Q Okay. Do you -- do you or the executive director
17 report up to the mayor's office regularly about the
18 BTVA?

19 A I do not. I cannot opine on what his actions are.

20 Q Okay. When was the BTVA created?

21 A I'm not quite sure when the legislation passed, but I
22 know that the office was opened July 1, 2015.

23 Q Okay. So BTVA was created by legislation; is that

1 Q Okay. And do you know, is it a set calculation, a
2 set number?

3 A Unfortunately, it is not. It's indicative to each
4 violation in itself.

5 Q I see. So depending on the violation, a certain
6 portion goes to the state; is that correct?

7 A Correct.

8 Q Before the BTVA, do you know what percentage or
9 portion of revenues from traffic violations went to
10 the state versus the City of Buffalo?

11 MR. SHORT: Form.

12 A My understanding is that it all went to the state.

13 Q Okay. So BTVA allowed Buffalo to keep a higher
14 portion of revenue from traffic tickets issued in the
15 city, correct?

16 MR. SHORT: Form.

17 A I don't understand that question.

18 Q Sure. So let me try that again. After the creation
19 of BTVA, Buffalo was able to keep a higher percentage
20 of revenue from traffic tickets issued within the
21 city, correct?

22 MR. SHORT: Form.

23 A That's too generalized for me to answer.

1 A No.

2 Q Do you remember when you stopped sending those
3 revenue emails by the way?

4 A No, I don't.

5 Q Okay. Then I guess on the next paragraph, it says,
6 "My preliminary review reveals that our revenue
7 directly reflects the number of tickets issued on a
8 two-month delay." Do you see that?

9 A Yes.

10 Q So BTVA's revenue is directly correlated with the
11 number of tickets BPD issues on a two-month delay?

12 A No. That's not what that means. What it means is
13 that most people are resolving their ticket within
14 two months and paying it off.

15 Q Okay. And that results in a direct relationship
16 between the revenue and the number of tickets issued,
17 right?

18 A As long as they pay it, yes.

19 Q So it says there's a two-month delay. What's the
20 cause of the delay?

21 A I don't know. You'd have to ask every single
22 motorist why it took them two months. I don't know.

23 Q So is the delay just the period in between when the

1 Q And then you respond, "Get me tickets." Do you see
2 that?

3 A Yes.

4 Q And so you want more tickets so BTVA can generate
5 more revenue, right?

6 A Well, we've already done the data research that has
7 gleaned that more tickets generate more revenue, yes.

8 Q Great. So do you know if this message of "get more
9 tickets" was delivered to the Buffalo Police
10 Department?

11 A I don't know.

12 Q Do you -- are you aware of any requests to get more
13 tickets being delivered from BTVA to the Buffalo
14 Police Department?

15 A I know there were conversations about how the Buffalo
16 Police Department impacts us, and I know that
17 Mr. Helfer had conversations with them. I don't know
18 if it was to get more tickets for revenue or if it
19 was just for procedure.

20 Q Do you remember -- do you know who those
21 conversations were with specifically?

22 A No, I do not.

23 Q And do you know when those conversations occurred?

1 STATE OF OHIO)

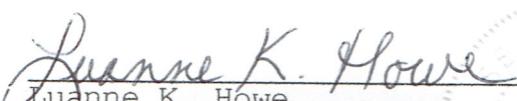
2 COUNTY OF CUYAHOGA)

3 I, Luanne K. Howe, Notary Public, in and for the
4 County of Cuyahoga, State of Ohio, do hereby certify:

5 That the witness whose testimony appears
6 hereinbefore was, before the commencement of his testimony,
7 duly sworn to testify the truth, the whole truth and nothing
8 but the truth; that said testimony was taken remotely
9 pursuant to notice at the time and place as herein set
10 forth; that said testimony was taken down by me and
11 thereafter transcribed into typewriting, and I hereby
12 certify the foregoing transcript is a full, true and correct
13 transcription of my shorthand notes so taken.

14 I further certify that I am neither counsel for
15 nor related to any party to said action, nor in any way
16 interested in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto subscribed my
18 name and affixed my seal this 2nd day of June, 2022.

19
20 
Luanne K. Howe
21 Notary Public - State of Ohio

22 My commission expires 10-07-24

